

**TITLE 14. Fish and Game Commission  
Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570-1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330-4333, 4336, 4751, 4756, 4800-4805, 4902, 10500 and 10502 of said Code, proposes to amend Sections 360, 361, 362, 363 and 364, Title 14, California Code of Regulations, relating to Mammal Hunting.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2006-2007 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 3, 2006, the Department of Fish and Game made the following recommendations for changes relative to game mammal regulations for the 2006-2007 seasons: proposes to amend sections 360, 361, 362, 363, 364, 365, 465, 465.5, 467, 475, 478 and 601, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2006-2007 Mammal Hunting Regulations.

**Informative Digest/Policy Statement Overview**

**Amend Subsection 360(a), Title 14, CCR, Re: Deer: A, B, C and D Zone Hunts**

Existing regulations provide for the number of license tags available for the A, B, C, and D Zones. This regulatory proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

<del>Deer: § 360(a) A, B, C, and D Zone Hunts</del>		
Tag Allocations		
Zone	Current	Proposed
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	9,025	8,000-20,000
D-3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-5,000
D-14	3,000	2,000-3,500
D-15	1,500	500-2,000

<b>Deer: § 360(a) A, B, C, and D Zone Hunts</b>		
<b>Tag Allocations</b>		
Zone	Current	Proposed
D-16	3,000	1,000-3,500
D-17	500	100-800
D-19	1,500	500-2,000

**Amend Subsection 360(b), Title 14, CCR, Re: Deer: X-Zone Hunts**

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

<b>Deer: § 360(b) X-Zone Hunts</b>		
<b>Tag Allocations</b>		
Zone	Current	Proposed
X-1	2,355	1,000-6,000
X-2	190	50-500
X-3a	295	150-1,500
X-3b	905	200-3,000
X-4	455	100-1,500
X-5a	80	50-300
X-5b	135	50-800
X-6a	380	100-1,200
X-6b	425	100-1,200
X-7a	205	50-600
X-7b	110	10-200
X-8	275	100-750
X-9a	790	100-1,200
X-9b	325	100-600
X-9c	325	100-1,000
X-10	400	200-600
X-12	815	100-1,500

**Amend Subsection 360(c), Title 14, CCR, Re: Deer: Additional Hunts**

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Deer: § 360(c) Additional Hunts					
Tag Allocations					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	2,850	500-5,000	M-11	20	20-200
G-3	35	5-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	20-150
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	10 Military* 10 Public	10-80 Military * and Public	J-3	15	15-30
G-9	15 Military* 15 Public	15 Military* 15 Public	J-4	15	15-50
G-10	300 Military *	100-480 Military *	J-7	15	10-30
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	15	10-20
G-12	30	25-75	J-9	5	5-10
G-13	300	50-300	J-10	10 Military* 50 Public	10-80 Military * and Public
G-19	25	10-65	J-11	40	10-50
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
G-39	15	5-150	J-15	10	5-30
M-3	25	20-75	J-16	75	10-75
M-4	10	5-50	J-17	25	5-25
M-5	10	5-50	J-18	75	10-75
M-6	80	25-100	J-19	25	10-40
M-7	150	50-150	J-20	20	5-20
M-8	10	5-75	J-21	50	20-80
M-9	15	5-100			

\* *Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.*

\*\* *DOD = Department of Defense*

### **Amend Section 361, Title 14, CCR, Re: Archery Deer Hunting**

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following

table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

<b>Archery Deer Hunting: § 361</b>		
<b>Tag Allocations</b>		
<b>Hunt Number (and Title)</b>	<b>Current</b>	<b>Proposed</b>
A-1 (C Zone Archery Only Tag)	2,045	150-3,000
A-3 (Zone X-1 Archery)	225	50-1,000
A-4 (Zone X-2 Archery)	10	10-200
A-5 (Zone X-3a Archery)	20	10-300
A-6 (Zone X-3b Archery)	60	25-400
A-7 (Zone X-4 Archery)	80	25-400
A-8 (Zone X-5a Archery)	25	15-100
A-9 (Zone X-5b Archery)	15	10-100
A-11 (Zone X-6a Archery)	75	25-300
A-12 (Zone X-6b Archery)	125	25-200
A-13 (Zone X-7a Archery)	15	10-200
A-14 (Zone X-7b Archery)	20	10-100
A-15 (Zone X-8 Archery)	30	25-200
A-16 (Zone X-9a Archery)	195	50-750
A-17 (Zone X-9b Archery)	300	50-600
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	205	25-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	100-1,000
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	35	20-75
A-26 (Bass Hill Archery Buck Hunt)	40	10-100
A-27 (Devil's Garden Archery Buck Hunt)	10	5-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	1,000	200-2,000
A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	250	50-300

**Amend Section 362, Title 14, CCR, Re: Nelson Bighorn Sheep**

Existing regulations provide for limited hunting of Nelson bighorn rams in seven hunt zones. The proposed change adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	4
Zone 2 - Kelso Peak/Old Dad Mountains	4
Zone 3 - Clark/Kingston Mountain Ranges	2
Zone 4 - Orocopia Mountains	0
Zone 5 - San Geronio Wilderness	1
Zone 6 - Sheep Hole Mountains	2
Zone 7 - White Mountains	3
Open Zone Fund-Raising Tags	2
<b>TOTAL</b>	<b>18</b>

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2005 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone

#### **Amend Section 363, Title 14, CCR, Re: Pronghorn Antelope**

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. This proposed regulatory action would provide for tag allocation ranges for most hunt zones pending final tag quota determinations based on winter survey results that should be completed by March of 2006. The final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The proposed tag allocation ranges for the hunt zones are as set forth below.

Pronghorn Antelope Tag Allocation Ranges - 2006						
Hunt Area	Archery-Only Season		General Season			
	Buck	Doe	Period 1		Period 2	
			Buck	Doe	Buck	Doe
Zone 1 – Mount Dome	1-10	0-3	3-60	0-20	0	0
Zone 2 – Clear Lake	1-10	0-3	5-80	0-25	0	0
Zone 3 – Likely Tables	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4 – Lassen	2-20	0-7	25-150	0-50	25-150	0-50

Zone 5 – Big Valley	1-15	0-5	3-150	0-50	0	0
Zone 6 – Surprise Valley	1-10	0	3-25	0-7	0	0
Big Valley Junior Hunt	N/A		1-15 Either-Sex		0	
Lassen Junior Hunt	N/A		1-15 Either-Sex		0	
Surprise Valley Junior Hunt	N/A		1-4 Either-Sex		0	
Fund-Raising Hunt	N/A		1-10 Buck			

### **Amend Section 364, Title 14, CCR, Re: Elk**

The proposed regulatory action is made to enhance junior big-game hunting opportunity and provide consistency in regulation for deer, pronghorn antelope, and elk regarding junior-only hunting tags. Although junior-only deer and pronghorn antelope tags are provided under current regulation, junior-only elk tags are not. Junior hunters can apply for and receive an elk tag through the big-game drawing process, but they must compete with adult hunters to do so. The proposal converts a portion of the elk tags authorized under current regulation into tags available to junior hunters only. The proposal does not create additional tags resulting in increased harvest; harvest levels will remain unchanged through the implementation of any of the alternatives. Harvest related impacts to elk populations are contained within the 2004 Final Environmental Document Regarding Elk Hunting.

The proposal provides a range of bull, antlerless, and either-sex junior-only tags for all three of California's elk subspecies for the Fish and Game Commission to consider for implementation. These alternatives consist of the following:

1. Northeastern California Rocky Mountain Elk Hunt. A range of 0-3 junior-only either-sex tags for the season specified in existing regulation.
2. Marble Mountain Roosevelt Elk Hunt. A range of 0-3 junior-only either-sex tags for the season specified in existing regulation.
3. Grizzly Island Tule Elk Hunt. A range of 0-3 junior-only spike bull tags and 0-3 antlerless tags for the Period 1 and Period 2 seasons specified in existing regulation.
4. LaPanza Tule Elk Hunt. A range of 0-3 junior-only bull and 0-3 junior-only antlerless tags for the Period 1 season specified in existing regulation.
5. Fort Hunter Liggett Tule Elk Hunt. A range of 0-3 junior-only bull and 0-3 junior-only antlerless tags for seasons specified in existing regulation. These tags would be applicable only to the public portion of the current tag allocation between military personnel and public hunters.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison St.), Monterey, California on Friday, April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the North Tahoe Conference Center, 5318 North Tahoe Blvd., Kings Beach, California on Friday, May 5, 2006, at 8:30 a.m., or as soon thereafter as the matter may be

heard. It is requested, but not required, that written comments be submitted on or before May 5, 2006, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 26, 2006. All comments must be received no later than May 5, 2006, at the hearing in Kings Beach, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr. or Jon Snellstrom at the preceding address or phone number. **Craig Stowers, Wildlife Programs Branch, phone (916) 445-3553, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

#### **Sections 360 and 361**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

#### **Section 362**

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas and moves specific tag procedures and requirements to another Section. Given the few number

of bighorn sheep tags that are available each year, this proposal is economically neutral to business.

Section 363 and 364

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on a Representative Private Person or Business:

A private person or business will be required to pay a new fee pursuant to proposed regulations geared to recover the department's cost of administering the program.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

**Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

**Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.



FISH AND GAME COMMISSION

Dated: February 7, 2006

John Carlson, Jr.  
Executive Director